

A  
LETTER

TO THE

Bishop of Sarum :

BEING AN

ANSWER

To his LORDSHIPS

Pastoral Letter.

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*From a Minister in the Countrey.*

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Printed in the Year 1690.

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**Bishop of Sarum,**

My LORD,

**Y**OUR Lordship has given the World, so great and so many Instances of your Ability, and Proficiency in all kinds of Learning; and of your strength of Reasoning upon every Subject: That it is the greatest Disadvantage imaginable, to any Cause you can Espouse, to be so Weakly Argued by you, that room is left for an Answer to your Arguments. This (added to the Scruples I formerly Entertain'd) has rais'd in me a more then common Jealousie, that the *Oaths of Allegiance and Supremacy* in our present Circumstances (Defended in your Lordships late *PASTORAL LETTER*) are unjust: and that they are Repugnant to the Laws of this Kingdom, as well as to the Doctrine of the *English Church*,

The first Report indeed, that I met with concerning your Lordships *Letter*, together with the Character, which I knew was justly due to the Author, begat a Confident Expectation in me of being throughly Convinc'd by it; and more than half a blind Resolution, of adhering to it, and complying with that, which I am unwilling to call the *Iniquity of the Times*. But (alas my Lord!) as soon as I had (with Earnestness and Impatience of being your Convert) procur'd and read it, I found my self under the greatest Disap-

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pointment I ever met with; even so great, that I cannot forbear doing this Violence to my own Temper (which affects nothing so much as Ease and Privacy) to Examine and compare it with such Remarks as I had before made for my own satisfaction, and give these publique Reasons of my dissent from it.

I do not entertain the Vanity, to believe that any thing I can offer will have so much of weight in it, as to Convince your Lordship you have been mistaken: for I am very sensible of my own weakness, tho' my Opinion of the goodness of the Cause prompts me to this unequal Undertaking; besides, I have Charity enough, to hope you have far better Reasons, for the Part you have Acted in this Surprising Revolution, then those you have here thought fit to Publish. But my design is to apply my self to your Lordship, as to a Spiritual Physician, and to lay open the state of my Disease, and the very foundation of my Scruples, before you, that by Arguing the matter, I may attain to the Truth: And I doubt not but you will show the Goodness of your Nature as a Man, and your Charity as a Bishop (whereby you are Oblig'd to lead the Blind, and support the Weak) so far, as to give me and the World some more satisfactory Directions, for our Behaviour under these Difficulties of Publique Affairs.

This being then the design of this Letter, I cannot prosecute it in a better Method, then to wait on your Lordship from Page to Page, and from Paragraph to Paragraph; and to point out to you where your Reasons are not Conclusive nor Satisfactory.

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I agree with your Lordship, that *should the Clergy choose rather to desert their stations, then swear the Oaths, the Minds of the People would be much distracted*: And I suppose it is for this Reason, that the Act particularly points at them; to fright them (if possible) into a Submission to such things as the Doctrine of the Pulpits gave occasion to Believe they would not fail to boggle at. But we must not, to prevent these Distractions, *set Pillows under the Arms of the People*, and Lull them into a false Security.

Ex. 13 16, &c.

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I can with a like readiness Agree to the vast Importance of this matter: And that this Consideration ought to move us to a serious Reflection on the Foundation of our Dissent, before we fix on a Resolution so prejudicial (possibly) to the publick Peace. But it must be also allow'd of as great Importance, to consider the Legality of these Oaths, before we swallow 'em. For it will be an Eternal Scandal on the Church of England, if all her Sons conspire, for the sake of Interest or Prosperity, to take a Solemn Oath, inconsistent with their former Oaths, with the Doctrine of this Church,

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Church, and of particular Ministers in the discharge of their Cures. I am sure *a Favourable Providence*, with a hopeful prospect of all Temporal Blessings, *and the fairest beginnings of the most desirable things we can hope or wish for on Earth*, are no Arguments for the Legality of any Revolution. For if they were, who could oppose a Successful Rebellion? Or, since *none shall be like the* *Rev. 13. 4. 7.* *BEAST* (in the Revelations) or be able to make War with him, why shall not even the *Saints*, when they be overcome by him, be obedient to him and Support his Government?

Nor does the seeming *Security of the Protestant Religion*, and our *Civil Liberties* weigh more in this particular: It is a preposterous way to secure our Religion by overturning the very Foundations of it; and undertaking to direct the Allwise Providence, in the proper Methods of supporting his own Cause. The Fate of *Uziah* is a fearful Example of the Divine Wrath against the rashness of those who *contrary to his Revealed Will* dare put forth *their hands to hold up the Ark*, tho' just at the point to be overturn'd. God will be obey'd in all his Commands, and have this Honour of his Omnipotency left entire to himself, to be avenged of his Enemies his own way. Besides, *my Lord*, whatever danger we are in, from a *Popish Tyranny, an Irish Conquest and Massacre, and French Barbarity and Cruelty* (tho this is neither apparent in it self nor the attempt thereof prov'd upon the King) we must remember that they are Dangers of our own making. For had all the Members of the Church of *England* been firm to their Maxims; had they persisted in opposing all the violent and ill-contrived Designs of the King, but at the same time had they been Faithful to his Person and Government; and when he open'd his Arms (tho late) and made such large steps towards a Reconciliation, had they then return'd into his Bosom for Protection; these things could not possibly have happen'd to us. Had the King said, the Laws were such, that till they were Repeal'd we were safe: And none but our own Brethren, who would Communicate with us at the Holy Table, could have an Opportunity to break down those Hedges. Since therefore we are Cheated into this Distress by our own Negligence and the Cunning Malicious Insinuations of others: (which however excusable in us as a Humane Failing, yet persisted in turns Sin :) we must be well assur'd, that the ways wherein we pursue our Deliverance are just and lawful, least God should go on to punish Sin with Sin. This would be a *Cause from God* indeed, and the certain *Fore-runner* not only of our Temporal, but *Eternal Ruin*. So that I hope, we shall agree in this Conclusion;

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that as the apparent Blessings to be enjoy'd, and the frightful Dangers to be avoided, are sufficient Inducements to *Swear Allegiance* to the present Government, if this *Oath* shall appear to be Lawful; so, if otherwise, the Curse from God against wilful Sin is a reasonable Consideration to deter us from it; and that we must not be warp'd with the Allurements of Prosperity, or the Fears of Adversity ('tis an ill Cause a Good Man will be afraid to suffer for) but that we must impartially consider the true state of the Controversie, which I take to be this, *viz.*

Whether the *Oaths of Allegiance and Supremacy*, be Lawful, as they are now imposed on the *Clergy*, at the Peril of *Suspension ab Officio & Beneficio* (Censures (by the way) not generally own'd within the Power of Temporal Judges) under these (our present) Circumstances, *viz.* Of knowing, that King *James* the Second is our Rightful King, till it be otherwise made appear that he has *ceased* to be King; that he is endeavouring to be Restor'd to his Throne and Kingdoms; and that he expects our Allegiance, and is soliciting Assistance, in order to it? This is the true state of the Question: And till the Affirmative be well prov'd, all that can be said besides, is only raising of a dust; and (as your Lordship well expresses it) a *Pathetical aggravating of the matter.*

This your Lordship has undertaken; and accordingly offer'd these three Arguments drawn.

1. From Possession of the Throne.
2. From the Decision and Declaration of the Convention.
3. From Conquest. All which seem to me ineffectual.

1. Possession of the Throne, is indeed a sufficient Title to our Allegiance, under these and such like Restrictions, where 1. The Title of Right is disputable, or, 2. The Rightful Prince declines his Claim of Right, or, 3. Where the Throne is Vacant in an Hereditary Kingdom by the total failure of the Royal Line. The Reasons whereof are plain. 1. Because, for the sake of Peace and Order, we may be excus'd from paying Allegiance to the Rightful Prince, if disputably such, by a commendable Ignorance and Incuriousness of inquiring too nicely into those things that are so far above us. 2. But, tho the Rightful Prince be known if he declines or absolutely refuses to undertake the Government, we are excus'd by this universally received Maxim, that *Volenti non fit injuria*; or rather, by an impossibility of paying it to one who will not be brought to admit of it. 3. Where the Throne is vacant by a total Failure of the Royal Line, this Law of Nature

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is our Guide, viz. That Possession gives a Right where none is dispossessed of a preceeding Right. And upon this Law it is, that the original Right to all our Estates and Possessions is founded. For every part of the World remaining under the Dispensation of the Laws of Nature, is common to all; all have an equal Right to it: But when any Man takes the pains to possess it, he allots it to him, excluding all others, for a Reward to his Industry. Under these then, and some other like Restrictions, I may allow your Argument to be good: But none of these Instances will reach us. We know the *Rightful King*; and we are assur'd (notwithstanding all those monstrous Insinuations to the contrary) that he *Claims* his Right; that he expects our actual Allegiance be paid him; and is endeavouring to return to us, to give us an opportunity for the performance of this Duty to him: But if he were dead, the Succession does not terminate in him: We know he has Heirs, and we know those Heirs. Besides, this Assertion taken at large, as *your Lordship* delivers it, lays a Foundation for this unavoidable Consequence (as Mean and Ungenerous as it is Absurd) that we at least thus far must turn *Persians*, always to Worship the Rising Sun; we must swim safely down the stream; always adhere to those that are Fortunately, however Unjustly, uppermost; and pay our Allegiance to all Prosperous Rebels and Usurpers. This is, indeed, so harsh to any Man of Honour or Integrity, that it needs to be supported by far better Arguments than those you have here produced.

For the next Paragraph is so weak that I much wonder how it could fall from *your Lordship's* Pen. You first suppose that all allow it *Lawful to Obey a Possessing King*, without taking notice of any Restrictions; and then you confound the words, and make Allegiance and Obedience to be the same thing. 'Tis true, Self-preservation, and common Prudence, as well as a Duty in all to study Peace (may be granted) does oblige us to such an Obedience as we owe to Foreign Princes whilst we Travail or otherwise remain (not Naturalized) in their Dominions: That is, All such Obedience as is consistent with that which is by Nature indispensibly due to our own Sovereign. And I think no Man of Sense who makes a difficulty of Swearing the required Oaths can ever be thought to allow any other. For my own part, I profess, if nothing more than such an Obedience as this be meant by the Obedience which is expected, and the *True Faith and Allegiances* we are to Swear so soon as this Interpretation shall receive the sufficient Approbation of Publick Authority, I will satisfy all my other Scruples.

Scruples, without further Assistance. But your Lordship must not take it ill if I add wishal, that should this Explanation be given by you, it would be of very small moment with me. Because all Laws are only to be Interpreted by the Legislators, or such as are appointed by them to do it; And all Oaths, according to the common Acceptation of the Words, and the known meaning of the Imposers. Your Lordship therefore has no Right to do it: Since you were not then a Bishop, and had no share in the framing of them. I do not say this with any disrespect to your Ability or Integrity: Nor do I think you will ever enter upon this Province. My design is hereby to shut the door against such Fallacies (of a *Temporary Allegiance* to be revok'd at pleasure) as I find the generality of Men, that they may secure their Interest, are tempted to admit: Whereby they cheat themselves into great straits to their Consciences, and Swear, with Reservation, they know not what. I have this Exception further to make against this wandering Interpretation of the Words: I was told by one of the Right Reverend, the Bishops, at the time when the Oaths were brought into the Convention of Lords, and therefore while

the Debates were fresh in Memory, that it was moved (among other things) to have the word *Allegiance* Explain'd, and (as I remember) thus; that it should signify no more than a *Peaceable Behaviour*, & an *Assuagiance* under the present Establishment. But this Motion was rejected, because it would thus give so great a Latitude to all Mens Consciences that it would oblige to, and therefore signify just nothing. This is an express Declaration against our bold Interpretations of these Oaths to our selves: And for the Truth of the Fact I Appeal to that House.

N. B. Since the writing of these Papers the Parliament hath put this Matter beyond Dispute: For in their late Act of Recognition they declare King William and Queen Mary are, and of RIGHT ought to be Our Sovereign Lord and Lady, in and to whose Princely Persons the Royal State, Crown and Dignity, with all Honours, Titles, Prerogatives, &c. are most FULLY and RIGHTFULLY Invested. So that in their Opinion they are King and Queen *de Jure*, and therefore *Allegiance* is payable to them in as large a degree as to any other whofoever of the Rightful Kings their Predecessors.

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Take therefore *Allegiance* in your own Sense to be an Obedience according to Law; or to express it more fully, All that Obedience and all that Duty which the Laws of the Land, and the Constitution of this Government require from Subjects to our Kings; take *Allegiance*, I say, in this Sense (which is that I always understood by it) and it is impossible to be paid to the present Government under the Circumstances in your Argument supposed of Possession not of Right. For Kings are like God in this respect, that they are Supream, which necessarily implies

Unity

*Unity*: So that whatever Duty is proper to the *Supreme* and only so, must be entire; It must be whole and undivided. Thus the Prophet *Elijah* tells us, *We must not halt between two Opinions, if the Lord be God we must follow him; but if Baal, him.* And a greater than he has said, *We cannot serve two Masters;* nor can we for the same Reason pay the Duty of Allegiance to two Supremes or Sovereigns at the same time. If then it appear that King James has still the Right of Sovereignty (and this you here suppose), we cannot without Robbery and a kind of Idolatry give this Worship, much less Swear it, to any other.

1 King's 18. 21.

Mat. 6. 24.

But I will bring this Matter home to our Case. It is well known (and declared by two Acts of Parliament under King Henry the Seventh)

to be the Natural Duty of All Subjects to Defend the Persons of their Kings, to Fight their Battles, to Destroy ALL their Enemies, and to do this at ALL Times, as oft as occasion shall require.

So that if this Duty of Allegiance be ow'd as due and Sworn to an Usurper; (Pardon the Expression) ALL Possessors without Right are such, and this is here in your Argument supposed) Whenever the King shall attempt to Return, to be restor'd to his own; and shall demand our Assistance in order to it, we must notwithstanding this Natural Allegiance confirm'd

by our former Oaths to him, Defend the unjust Possessor of his Throne against him: And if occasion so requires (as inevitably it must in some of our Cases) even Sacrifice the King to the Interest of the Intruder, and imbrue our Hands in his Royal Blood, to prevent the breach of those Oaths to one who has no Right to exact them from us. An Assertion so audaciously Impious, that nothing can be suppos'd to surpass it, but that alone which must justify these daily Acts of the Clergy, when in their Prayers (where they should be sedate, and well assur'd the Petitions they there offer to God are agreeable to his Will) they dare be so hardy to call aloud for Vengeance upon the Head of the King, whom they are expressly forbid to Curse even in their Hearts. They do therefore little less than Blaspheme God as well as the King, when they pray the Usurper may overcome ALL his Enemies, even him. But let them have a care lest their Curses return into their own Bosomes. I tremble to think

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that

That he may vanquish and overcome All his Enemies. Prayer for the King. *We beseech thee, &c. to give him Victory over All his Enemies.* Lit. *Save and deliver us* (that is the whole Government as now Established) *from the hands of our ENEMIES* (who so much an ENEMY to an Usurper as the Rightful King?) *Abate their Pride; Assuage their Malice; and CONFOUND their Devices.* Prayer in time of War and Tumults. The Solemn Recognitions too are not easie to be overlook'd, where the King *de facto* is called our most Religious and Gracious King. (Prayer for the Parliament.) and own'd as God's chosen *Servant*, and having his Authority from Him. (Coll. after the Com.) Lastly, in that most solemn part of all our Devotion, the Communion, we pray for a continuance of the Usurpation, when we beseech God to save and defend, in an especial manner (above all other Christian Kings and Princes) our Possessing King, *that under him we may* (continue to) *be Govern'd.* (Prayer for the whole state of Christs Church.) Had the Prayers for the Fast been Publish'd when these Papers were writ, they had deserv'd a Paragraph by themselves, since they are so warily contriv'd, that there is no room left for any tolerable Evasion. The Composer of them being resolv'd that whoever made use of that Form of Prayer, should level them particularly against him which is here suppos'd the King *de jure*.

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nations by the Presbytery alone are allow'd Good by some amongst us, tho disputed by others) where a fatal Necessity renders it impracticable. The Parallell is too apparent to need more words. We ought therefore to give our continual Thanks to Almighty God, for his great Mercy as well in this as in the other Case, that he has plac'd us in a Countrey whose Happy Situation has exempted us so long from falling under any such difficulties; rather, then wilfully to apply these Instances of forbearance in such Cases of Necessity to our careless Negligence; and plead the Examples of our Neighbours Miseries in justification of our own Wantonness.

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that this Consequence is unavoidable; and that we are by this means reduced to such straights, that we must either absent our selves from the Publick Prayers of the Church, or become hearers if not partakers of such bitter Curses against the Lord's Anointed.

The force of all this is little abated by bringing in the Examples of those Miserable Wretches who live in the Frontiers upon the Continent. What Allowances God will make to invincible Necessity in their Case, I dare not determine. But I think all *Casuits* agree, that not only the Necessity must be apparently invincible, but the means which lead to it must be unavoidable, before we can lay hold of this Excuse, or venture to do a thing otherwise unlawful, and call upon Necessity to plead our Innocence. Your Lordship would account it a very frivolous Argument against the Divine Institution of your Holy Order, and would certainly laugh at a Conclusion against Episcopal Ordination, where it may be had, drawn from the Practice of the Reformed Gallic Churches (whose Ordination

Before

Before I proceed to the next Paragraph, give me leave to Con-  
 dole with your Lordship the decay of your Memory. I Remem-  
 ber, in your Enquiry into the Measures of Submission to the Supream Au-  
 thority (about a year ago) you tell us, 'tis unreasonable to Conclude, *Measures of*  
 from the Possession of a Supream Power, by any Person or Family, *Submission.*  
 that it is the Will of God it should be so: because this would justify all § 6.  
*Usurpers when they became successful.* But to pass this over, you  
 will not there allow of any Conclusions to be made, with Relation  
 to any particular Government, from the Examples either in the  
 Old or New Testaments: but say, *It is clear that all the Passages in Ibid. §. 8.*  
*the Old Testament are not to be made use of in this matter of neither side;*  
 and, *as for the New Testament, all that is in it upon this Subject, im-* *Ibid. §. 10.*  
*ports no more, then that all Christians are bound to Acquiesce in the*  
*Government; and submit to it, according to the Constitution that is*  
*settled by Law; so that no general Considerations from any Passages, ei-* *Ibid. §. 11.*  
*ther of the Old or New Testaments, ought to determine us in this matter.*  
 But you here forget your own Maxim; Examples of this kind, I  
 perceive, are fashionable Arguments, and Passive Obedience is  
 again Orthodox: provided always, it be Extensive enough, and  
 carry'd to reach Usurpers and Conquerors in prejudice to the Rightful  
 Kings. These, My Lord, are dangerous Passages, which an ill-  
 man may improve to such a Scandal as this; that you square your  
 Doctrine by the Rule of Convenience; and draw a Scheme of Di-  
 vinity according to a Model of Politiques, which may be Vary'd  
 and Chang'd as the Circumstances of publique Affairs, and Inter-  
 est, require. Accordingly he may urge, That when you Writ  
 your Measures of Submission, you foresaw it convenient to Explode  
 the Bible, because it would be difficult to draw us into the necessary  
 intended Rebellion, whilst we had the Word of God to guide us. The  
 Scriptures teach us by Example as well as Precept, That Kings are  
 God's Vice-Gerents on Earth, and therefore to be Honour'd and  
 Obey'd in all things Lawful: But that Rebellion, in any case, is like  
 the sin of Witchcraft; but now, when the Turn is serv'd, and the Case  
 alter'd, you here direct us again to them with this necessary Cau-  
 tion, That we wholly forget we have still a King, and apply all  
 the Instances of Obedience to an Unjust Possessor, as if we had been  
 Laps'd into a state of Nature, and every man had had an equal  
 Right to Ascend the Vacant Throne. If this be not playing with,  
 and wresting the Scriptures (he prays God it be not to your Destru-  
 ction) he knows not what is.

All this may be said and more: But I will return to your Argument; where the only business will be, to enquire whether any Example you here produce, will reach to the Case of *Possession only*, under our Circumstances. In order to this, I must remind you of the Restrictions I above Noted, under which (and such like) *Possession*, may be allow'd a *Title of Right*. We must also consider, that the Jewish Government, was a *Theocracy* as well as a *Monarchy*: so that, in all doubtful Junctures of *publique Affairs*, they might have recourse to *God himself* for advice, by means of the *Prophets*, and of the *Urim and Thummim*. Whenever, therefore, we find in that state any Unaccountable *Revolutions* not reprov'd, we may reasonably Conclude, that God had fore-signify'd his Approbation of it: and this the rather, because we generally may Observe, that a *Priest* or a *Prophet* chiefly promotes it.

There is this further difference between the Constitution of *Our Government*, and that of the *Jews*; whereby the Examples from them are not conclusive to us: That whereas this Crown descends by an *Hereditary Right*, That did not. For sometimes, the *Aged King* declar'd his *Successor* before his Death. Thus *David* gave his Kingdom to *Solomon*; and *Jehoshaphat* to *Jehoram*. But more usually the *Jews* Elect'd that Person to be their King, whom God by his Prophets had destin'd to that *High Office*; pursuant to His Express Command by *Moses*, that they shall in any wise set him King over them whom the Lord their God shall Choose. Accordingly in the first great Rupture in the Government, where the ten Tribes wholly Revolt from *Judah*: the Prophet *Abijah* gives ten (of the twelve) pieces of his new Garment to *Jeroboam*, with this assurance, that the LORD would rend the Kingdom from *Solomon*, (tho' not in his, yet in his Son's Reign) and give ten Tribes to him: and thus when *Rehoboam* took violent Counsel, and Answer'd the People of *Israel* roughly, we are told that the Cause thereof was from the LORD in performance of his word by this Prophet; and after wards he expressly forbids the Subjects of *Rehoboam* to fight against their Brethren the Children of *Israel*, because this thing was from *HIM*. The like is remarkable in other Instances: So that in all the *Revolutions* that happen'd there, *Possession* without doubt might be presum'd to give a just Right.

And indeed this is not only true in Relation to the *Jews*, but is in it self Univerſally so; as appears from the Nature and Reason of the thing, for wherever a *Monarchy* is Elective, if the Throne be fill'd (whether by Force or Cunning) *Allegiance* may be due: because tho' some of the Community may be said to be injur'd by the *Usurpation*,

1 Kings 1. 34.  
2 Chron. 21. 3.

Deut. 17. 15.

Pag. 8.

1 Kings 11.  
31.

1 Kings 12.  
13. 15.

1 Kings 12.  
24.

Usurpation, yet none is dispossest'd of a Preceding Right, where none is Dethron'd. Where therefore none had a preceding Right to *Allegiance*, it is payable to any; but to whom so properly as to him, who has given the greatest Evidence (at least) of the Majority of Electors, since they had strength and Interest enough to Seat him in the Throne beyond the Reach of his Opposers. But all this is nothing to our Case, we know the Person who is *Dispossest'd*, to whom our *Allegiance* (as is confest'd by all) was once due; and that he is still in being, and calls upon us for the performance of this Duty; the only Objection you here offer against him is, that he is *unfortunately Dispossest'd*, by the force of a violent Intruder: but who was ever yet adjudg'd punishable for a meer *Misfortune*?

These Considerations alone, well apply'd, would be a sufficient Answer to all that can be urg'd from the *Examples* you have brought for our present submission to a *King without Right*. But least this should seem too general, I will descend to particulars, and show you wherein every single instance you produce is defective. The Case of *Atbaliah* comes near your purpose: Her Reign was un-

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doubtedly an Usurpation, because not being of the seed of David, she broke into the Government contrary to the promise of God (*Director of the Succession*) to him, that *His House and His Kingdom should be Established for ever*. She took the proper method too, to maintain her Usurpation, for she made way to the Throne through blood; and slew (as was believ'd) *all of the seed Royall*, who could

2 Sam. 7. 16.

pretend any *Right* to the *Crown*: So that the people through *Ignorance* might pay Obedience to Her. But your Lordship may observe, that this is a very *Melancholly History* for any *Usurper* to reflect on: For those who were privy to the conceal'd *Infant King*, and knew to whom their *Allegiance* was due, probably never gave it to any other. For we find that *Jehoiada* the Priest does not (as was usual in such extraordinary occasions) receive and declare a

2 Kings 11. 1.

2 Chr. 22. 30.

particular Command from God in this affair; but he insists only upon the forecited Promise of God to *David*. This the whole Assembly judge Authority sufficient to own *Joash King*, (the only instance that I remember of like nature without an immediate Message from God) even before he was Anointed, or *Atbaliah* put to death. For it is observable in this Relation, that *Jehoiada* in his Consultation with the Rulers calls him *KING*; As if no room had been left for Election, since he was the Only person remaining of the Line, and therefore alone qualify'd for their Choice. Farther yet, all the Congregation made a Covenant with the King (which you take to be

2 Chr. 23. 3.

Equivalent with swearing *Allegiance* to him) in the House of God,

2 Kings 11.

7. 8. 11.

2 Chr. 23. 7.

10.

D

whereas

Compare

2 Chr. 23. 3.

with 10. and

2 Kings 11.

4. with 12.

2 Chr. 23. 21

2 Kings 11.

whereas he was brought forth to be Crown'd and Anointed. However this is undeniable, that as soon as their Lawful King was thus publicly known, neither Priest nor People held themselves oblig'd by their Allegiance to Athaliah, but instantly upon her first appearance they execute a just Revenge upon her, and Sacrifice the Bloody Tyrant to this Infant Rightful King. Upon the whole matter, My Lord, I can see but very little Temptation from hence, for any to insist upon Possession against Right; when the Priests thus inform us by this Example, without any Immediate command from God, (which shows it to be agreeable to his ordinary positive Laws) that we must, when the Rightful Sovereign becomes a Competitor for his own Throne, endeavour to pull down the unjust Possessor: Then which nothing can conclude more strongly against your Assertion. For certainly, since there is such a natural Tie between Subjects and their Kings, it must be contrary to all the Laws even of Common Honesty, to promise Faith to one, whom (if this occasion require, and they know not how soon it may happen) they are pre-engaged to destroy.

Page 30. 5. 6.

The next Instance would be of considerable service to the Cause, had you prov'd that the Righteous Heir was known, and Claim'd his Right, (you must add that too) and that the Debate, which the Pharisees kept up, was not only Negatively against a Foreign Authority, but also positively for some Person publicly known to be that Righteous Heir. This indeed would conclude something,

Page 9.

and reach our Case: But the Task is too hard to be undertaken; since that Positive Law which Excludes all Aliens, Commands also to make Him their King whom God shall Choose: So that God's Designation of the Person, and the Peoples Election are Precedent to any Right, and must be made out before any Righteous Heir, according to this Law, can appear. Besides, our Saviour does not answer to a question of Allegiance, but of Tribute only; which is indeed a good Argument for our payment of those heavy Taxes that are,

Luke 20. 22.

and must be laid upon us; but who has hitherto scrupled to do this? But, let our Saviour's answer to this Ensnaring Question be Extended to the utmost, it will amount to no more than this: That they should Acquiesce under the Roman Usurpations. For the annexed Command, To give to God the things that are God's, may be reasonably thus Interpreted: That since God vouchsafed to be their King, they should reserve their Entire Obedience and Allegiance to him, and to a King of his appointment, which was the Debate the Pharisees kept up. This Interpretation seems the more

Luke 20. 25.

probable, because both the Pharisees and Herodians marvelled at his

Luke 20. 26.

*his Answer*; wherein he had so equally divided and reconciled the matter in dispute between them, that they were both Tatisfy'd, and held their peace. However this is Evident, that God, long before this Revolution, had declar'd by the Prophets, that at the coming of the *Messiah*, the whole Constitution of the Jewish Government should be Dissolv'd; And chang'd from a Temporal particular Kingdom, to a Spiritual Universal Monarchy under Christ the King: Who then should endeavour to maintain this Government, fore-ordain'd by God to Dissolution, and thereby resist his Will? But, I hope, We are not yet determin'd for destruction; at least, I have not heard of any such Revelation, notwithstanding the Face of publique Affairs looks so very gloomy before us.

The two next Paragraphs are groundd upon the Revolutions in the *Roman Empire*, which was never yet call'd Hereditary: And therefore as they have no Relation to us, so I will say no more to 'em then this, that however the Election of the Emperours was extorted by force, yet certain it is there was always an appearance of an Election, and something like a Consent was always obtain'd from the Senate and People, who had the only Right to confer this Honour upon them: And they all Acquiesc'd in these unfair Elections. This alone was sufficient reason and Obligation for all private Persons, (who had no such Right of Electing) not to trouble themselves with Enquiries into Titles. But farther, the Empire being thus Elective, whenever an Emperour was Dethron'd, all his Right fell with him, and none could Claim by Descent from him: So that all the Primitive Christians might safely swear the Military Oath to the Possessor of the Empire, after they had been Absolv'd from that to the former by his death: Yet it does not appear, (and I believe them so good Soldiers in every respect, that methinks your Lordship would much blast their Courage, as well as Fidelity, should you affirm) that ever they Deserted their unfortunate Master before his Death, or swore the Military Oath to an Usurper against Him. Yet this is the Circumstance which alone concludes in favour of the Opinion here in question.

But the truth is, my Lord, St. Paul's Doctrine of Obedience to *Caligula*, notwithstanding his black Usurpations and Tyranny, and his Attempts upon all the remaining Freedoms of Rome; as also the practice thereof by the Primitive Christians, under many Emperours, not only Tyrants and Usurpers, but even Apostates too; are unanswerable Arguments for Non-Resistance to the Supream Magistrature. And if so, the Guilt of Treason, and all those threats which God has denounc'd against it, lye hard upon those who Re-

Page 11. C. 7.  
and Page 13.  
§. 8.

Page 12.

Page 13.

Page 12.

b. 11. d.

Rom. 13. 2.

bell'd against their *undoubted Rightful Sovereign*, and Advised and Procur'd this unparallel'd Revolution. I shall only add, for Conclusion to this whole Argument, that if *Rebellion be as the Sin of Wickedness*, and to *Resist the Supream Magistrate without Repentance, be to receive Damnation*; surely all such as have been Instrumentall in the unjust *Exclusion of King James*, are bound in Conscience, as they love themselves and their Eternal Happyness, to return to their forsaken *Allegiance*; and to make *Restitution* (the one great part and instance of true *Repentance* in the Case of *Injuries*) to the *Injur'd King*, by Endeavouring to Restore him to the Possession of his own. These returning Penitents, (if they would Unanimously Return) joyn'd with those who were always ready to serve him as a *KING*, tho not as a *PAPIST*, would be of such force; that a *Foreign Army of Dutch* and others, should not be able to support the Usurpation against him alone, without the further Assistance of *French or Irish*.

Page 14. § 9.

The Succession to the High-Priesthood your Lordship owns to be Foreign to this matter; but if not, it Concludes very little for your Assertion: For there was not an Absolute Necessity that the *Eldest Son* should Succeed his Father, (tho most usually he did) since the Succession might be Interrupted by the King's Prerogative. Thus Solomon thrust out Abiathar from being Priest unto the Lord; and although he had a Son, yet the King put Zadok into his room. \* Since therefore the King had this Power, to Depose the High-Priest, and to change the Succession, what could be objected against *Caia-phas*, when call'd to the Priest-Hood by that Power, which alone pretended to be the Supream.

1 Kings 2. 27.

2 Sam. 15. 36.

1 Kings 2. 35.

\* *Atque ita**Summum sacerdotium a**familia Ithamaris ad fam-**iliam Eleazar rediit.*

Usser. An. ad

an. 2990.

Page 16. § 10.

2. I have now, My Lord, gone through all the Arguments Your Lordship has produc'd for Possession only without Right: And I think I have sufficiently Evinc'd that there is nothing therein Conclusive to us. This Your Lordship seems to be sensible of, when you advance the State of the Question a little further, and throw it upon the Decision of a Convention, which you say are the only proper Judges. But here also I can find no Satisfaction, for allowing your Difference to be good, between all Speculative points of Opinion and all Questions that relate to matters of Fact; Allowing also, that in all Bodies who make Decisions, the Minority is concluded by the Majority, as if they had been Actually consenting to the Decision; yet for all this, there still remains insuperable difficulties in the present Case.

1. You

1. You permit us to retain our former Opinions, and therefore you give us leave to adhere to our Subscriptions; that **It is not Lawful to take up Arms against the King upon any pretence whatsoever**, even not upon the account of Religion; and that the contrary Position is **Trayterous**. How then can we who have *Subscrib'd* this Declaration, and who are all of this Opinion (or at least have profess'd our selves to be of it) own those to be our *Lawful Superiors*, who have been *Instrumental*, contrary to this Declaration, in *Deposing the King*; till they are Absolv'd from their *Treasonable Injustice* against him by his most Gracious Pardon; or have made him *Restitution* by endeavouring his *Restoration*? much less, as far as in us lies *Aid and Support* them in this, which according to our declar'd Opinions, is the highest Injury and Affront to Majesty? yet these are the Chief, and most considerable part of the Nation, who are now set over us both in the Civil and Military State.

Page 18.  
Declaration to be Subscrib'd by all the Clergy, 14 Car. 2. c. 4. to be sworn by all Mayors Aldermen, &c. St. 2. 13 C. 2. c. 1. 3. 4. and by all Lords, Lieutenants, Deputy-Lieutenants, &c. 14 C. 2. c. 3.

2. But tho' the Business of Succession be allow'd a *Matter of Fact*, as also the *King's Original Power*, yet the late pretended Convention of Estates were not the *Proper*, much less the *Only competent Judges* of it.

Page 18.

1. Because most of the Members in both Houses, were incapable and unqualifi'd to sit there. For, 1. It is Declar'd **Treason to Levy War against our Lord the King in his Realm**, or to be adherent to the Kings Enemies, giving to them *Aid and Comfort* in the Realm, or Elsewhere. It was also further Adjudg'd *High Treason* by the Lords in Parliament, under K. Richard 2. *To surrender from the King Homage and Allegiance, and to PURPOSE to Depose him*. And as if to preclude that groundless Evason hereof, on the pretence of a *Defensive War* against the King, a late Parliament has Declar'd; that **The sole Supreme Government, Command and Disposition of the Militia, and of all Forces by Sea and Land, and of all Forts and Places of Strength, is and by the Laws of England Ever was, the Undoubted Right of his Majesty, &c.** and that both, or either of the Houses of Parliament Cannot, nor ought to Pretend to the same; nor can, nor Lawfully may Raise or Levy any War, Offensive or Defensive against his Majesty. So that it is evident from hence, that many of the Members in the late Convention were formally TRAYTORS.

25 E. 3. c. 2.

Cott. Rec. p. 376, 377. &c.

13. C. 2. c. 6. and 14 C. 2. c. 3.

Every Offender shall lose and forfeit to the King, &c. all such Lands, &c. which any Offender shall have &c. at the TIME of any such Treason committed. 3 & 6 Ed. 6. c. 11; 3 El. 2. c. 1.

It may be urg'd indeed in their Defence, that they were not legally Convict: But since Treason (*ipso facto*) forfeits all Estates, it is very reasonable to conclude, that it also forfeits all other Rights and Priviledges of Free Subjects; and since the matur of Fact was so Publick and Notorious, it is a just Exception to the Legality of their whole Proceedings, that such Members were suffer'd to Sit and Vote there. For it is Ridiculous that those Men should Judge and Depose the King, who had before forfeited their own Lives to him.

2. They were incapacitated by express Acts of Parliament, and even by those, the Dispensing wherewith was so warmly urg'd against the King. For in the Fifth of Eliz. It is Enacted, That every Person which hereafter shall be Elected or Appointed a Knight, Citizen, or Burgess, or Baron for any of the five Ports, for any Parliament, or Parliaments hereafter to be holden shall from henceforth, before he shall Enter into the Parliament house, or have any Voice there, openly receive and pronounce the said Oath (of Supremacy) before the Lord Steward, &c. and that he which shall Enter into the Parliament house, without taking the said Oath, shall be deemed no Knight, Citizen or Burgess, &c. nor shall have any Voice; but shall be, to all Intents, Constructions, and Purposes, as if he had never been Returned or Elected, &c. And shall suffer such pains and Penalties, as if he had presumed to sit in the same, without any Election, Return or Authority. But this Oath appearing ineffectual to exclude the Presbyterians

The present Synod well knowing that there are other Sects which endanger the Subversion both of the Doctrine and Discipline of the Church of England, NO LESS THEN PARLIS DO, although by another way. Syn. Lond. 1640. can. 5, the Seditious Sectaries, &c. do at their MEETINGS contrive INSURRECTIONS, at late EXPERIENCE hath shewed. 16 C. 2. c. 4. §. 2. \* 25 C. 2. c. 2.

and other Dissenters, who by woful Experience have been since found equally dangerous to the Government both of Church and State; \* it was of late further Enacted; that all and every Person or Persons, as well Peers as Commoners, that shall bear any Office or Offices, Civil or Military, &c. or shall have Command or Place of Trust, &c. shall take the Oaths of Supremacy and Allegiance, &c. and receive the Sacrament; and that those who shall Refuse or Neglect

(the same) shall be *ipso facto*, adjudged incapable, and disabled in Law, to enjoy the said Office, &c. And every such Office, &c. shall be void. But if this will not be admitted to extend to all the Members of Parliament as such (tho' I think the greatest

greatest Trusts of the Kingdom are reposed in them) however, by another Parliament it is more fully Enacted; that Every Peer and every Commoner shall take the Oaths of Allegiance and Supremacy, and shall make, subscribe, and audibly Repeat this Declaration (against Transubstantiation) &c. Before he take his Place in the House, &c. And where any Member of the House of Commons shall, &c. by the Neglect hereof be Disabled to Sit, &c. the Place or Places for which they, &c. were Elected, is hereby Declared Void, &c. as if such Members were Naturall Dead. All which Laws being interpreted according to the Reasons and Occasions of them, reach a Convention as well as a Parliament. For undoubtedly where any great Care is necessary to preserve the Superstructure it is much more to secure the Foundation. If therefore such caution be necessary to prevent Corruption in a part of the Legislative Body, surely it is no less necessary to prevent it in that which takes upon it to Constitute the Legislature it self. Yet for all this, no Member of either House, as such, had any regard to these Statutes.

30 Car. 2.

2. There is neither Authority in Law, nor approv'd Precedent in History, for such an Assembly.

1. That it has no Authority in Law is evident; for that so strictly requires the Royal Summons to all such like Assemblies, that the greatest Exigencies of Publick Affairs do not excuse the neglect thereof: And your Lordship has formerly own'd, that the want of the Kings Writ, was such an Essential Nullity, that no subsequent Ratification could take it away. Thus the Second Parliament of King Charles II. found it necessary, to conform all the useful Laws of the former, for this very Reason, because they wanted a due Summons, tho' they had the Royal Assent to Legitimate their Meeting; and further declare that the Manner of the said assembling, &c. is not to be drawn into Example. Nay, sometimes they will not allow it even the Name of a Parliament, but call it only a late Assembly.

*Reflections on Parliamentum Pacificum §. 1*

2. It has no Approv'd Precedent in History. For the Memory of that of Richard 3. (which has a great resemblance to this in many Particulars) is too black to be insisted on: And all the Transactions of the several Parliaments, or rather Conventions, during the Usurpation against the Royal Martyr, and his Son, were adjudg'd by all Lawyers, as well as a Parliament, to have been in themselves Null and Void. Yet I think they had as good Foundation, and as much Law for what they did, as our late Convention can pretend to.

13 C. 2. c. 15.

13 C. 2. c. 1. §. 2.

3. They

3. They had no Power to Transact such Matters or make such Decisions as they have undertaken; except it be made out that a larger Power was delegated to them, then to a Parliament. This more extensive Authority (if any such they had) they must of necessity derive, either from those they represent, or from him who Summon'd them. But from neither of these could they derive it: Not from the former, because the Electors were the very same as to a Parliament, and they always empower'd their Representatives, with as large a Deputation as they could give, to Consult about the great and weighty Concerns of the Publick, and to give Assent accordingly in their Names; nor from the later, because, if so, the Prince of Orange had a greater Power devolv'd on him by those few Lords and Commons who desir'd him to take upon himself the Administration of Publick Affairs, then he afterwards receiv'd from the Convention, when they presented him the Crown and Regal Authority, which is down-right Nonsense. Besides, my Lord, there is no greater power imply'd by the word Convention: For every Convention of the two Houses of Parliament is a true Convention of the three Estates. This is fully declar'd to Q. Elizabeth thus. We Your most Humble, Faithful, and Obedient Subjects the Lords SPIRITUAL and TEMPORAL, and COMMONS in Parliament Assembled, &c. Representing the THREE ESTATES of your Realm, &c. Humbly beseech, &c. So that I think we may from hence conclude, that the late Convention had, at most, no more than an Equal Authority with the two Houses of Parliament without the King; who is not to be included by the Three Estates.

It only remains then in the next place to show you that such a Parliament hath no such Power. This is sufficiently declar'd by the Parliaments themselves: When they call those that Proceeded against the Life of King Charles I. a TRAYTEROUS ASSEMBLY, and the most Detestable Traytors that ever were; they therefore Renounce, Abominate, and Protest against that Impious Fact, that Execrable Murder, and most UNPARALLELL'D TREASON, &c. and ALL PROCEEDINGS TENDING thereunto; how far this last Expression will reach, I leave Your Lordship to be Judge. Again, when King Charles II. is said to be exterminated into Foreign Parts, by the most TRAYTEROUS CONSPIRACIES, &c. of USURPING TYRANTS, and EXECRABLE, PERFIDIOUS TRAYTORS; than all which nothing can be express more Monstrous: Yet that whole Revolution was transacted by the two Houses of Parliament, with this addition, above

1 Eliz. c. 3.

12 C. 2. c. 11.

14 C. 2. c. 29.

12 C. 2. c. 30.

12 C. 2. c. 14.

above our *late Convention*, of a Legal Summons to justify their Meeting, and the *Royal Assent* so *Sis*, in effect, as long as they 16 C. 1. c. 7. pleas'd.

But if that *Parliament* be not a Parallel, I am sure, that that *Convention* which *Elected Cromwel* to be *Protector*, is so, in every respect. For, did the apparent *Necessities* of the publick, to prevent an *Anarchy* during the King's *Secess*, require this? the same *Necessities* requir'd that. Was this *Summon'd* by one who was desir'd to take upon himself the *Government*; and had an *Army* at his Command to support him in it, till the *Meeting* thereof? so was that. Were the *Members* of this duly *Elected*, and the *House* full? so were they. Had these an entire freedom of *Debates*? so had they. In the Result of their Consultations, indeed, they differ: Those being abundantly more modest than these. For these, without any *Precedent* in any Age in this Kingdom, *Elected*, and purely *Create a King*, who had before no pretence of *Title to the Crown*: Whereas they, very modestly, go no further, then to *Declare a Protector*; for which they have many *Precedents*, tho' none thoroughly adapted to their Case. But notwithstanding all these *Extremities* of the Publick, the Summons of the *Administrator of the Government*, the fair *Elections*, the freedom of *Debates*, and the Result of all this, the *Election of Oliver* into the *Protectorate*, yet the *Healing Parliament* of *K. Charles 2. Declare and Enact*, that the *Names and Styles* (which those pretended Powers *Usurped*) and every of them, are most **REBELLIOUS, WICKED, TRAYTEROUS, and ABOMINABLE USURPATIONS, DETESTED** by this present *Parliament*, as **OPPOSITE** in the highest degree to his *Sacred Majesty's* most **JUST, and UNDOUBTED RIGHT**, &c. 12 C. 2. c. 12. 13 C. 2. c. 12. 12 C. 2. c. 30. and upon that Account, they *Declare*, all their *Pretended Orders, and Ordinances*, to be *Null, and Void*. Attaint the *Protector* himself of *High Treason*, and Brand him with the *Titles* of **USURPER and TYRANT**; and to express an Indignation effectually, after his Death, his *Body was Hang'd at Tyburn*. An *Unlucky Omen!* avertat Deus.

But as if all this had been foreseen in sufficient, to declare no Power in such *Mock Parliaments* to transact such Matters, as this of ours has undertaken: That *Parliament* proceeds, to *Declare* (it does not *Enact* it a Law for the future, tho' even that were Obligatory, but *Declares* it to have been always a *Fundamental Law of this Kingdom*) that, not only neither the **PEERS** of this Realm, nor the **COMMONS**, nor **BOTH TOGETHER** in *Parliament*, or *OUT of Parliament*, but (it goes on to *Declare*, that) not even

20  
the whole People, either COLLECTIVELY or REPRESENTATIVELY, nor any other Persons whatsoever, EVER HAD, HAVE, HATH, or OUGHT to have, any COERCIVE POWER, OVER the Persons of the Kings of this Realm. Here is an express Renunciation of all the Consequences of an ORIGINAL CONTRACT. But if that which was Committed against K. James was not a Coercition, when he was put under a Foreign Guard; driven from his own Palace; and appointed his Place of Retirement, or rather Confinement; and lastly, when Deposed by a Vote of the Convention, and his Throne declar'd Vacant; if all this (I say) be not Exercising a Coercive Power, I know not what is. But should you still deny all this to be applicable to the late Convention, you will surely allow this to be a Natural, and a just Deduction; that since it is less injurious, to the King, to restrain his Person for a time, then to Judge and Depose Him, the whole People of England (as is above Confess'd and Declar'd) having no Coercive, can have therefore no Judicial Power over their Kings. Yet this Power

The Dutch March'd to Whitehall, and mounted the Guard about 12 at Night, and not long after, the Mar. of Hallifax, the E. of Shrewsbury and my Lord Delamere ( 'tis pity their Names should ever be forgotten ) rudely press'd into the King's Bedchamber, and surprisingly wak'd him with this Message; That the Prince Design'd to beat St. James's the next day by Noon, and that it was therefore His Highness's Pleasure, that his Majesty should retire in the Morning to Ham. 'Tis true he went another way, (to Rochester) but not till he had sent after his Goshaws, and ask'd their leave.

our Convention has arrogated to themselves, and Alled solely by the pretence hereof contrary to this Fundamental Law.

13. C. 2. c. 1.

I will add but this one *Stain* more. It is Prohibited, under the pain and Penalty of a *Premunire*, to affirm, That both Houses of Parliament, or either House of Parliament, have, or hath, a Legislative Power, without the King. If then a Parliament has no Right to this, surely much less to that, whereby they may Judge, or Constitute the Legislature it self.

These Declarations, and Statutes, which I have cited, are of so late Date, and the occasions of them so well known, that I profess I can no more bring my self to believe, that I cannot read, or do not understand them; and thereby Sacrifice my Notions, in a Fall so Notorious, to the Decision of a Convention at Westminster; then I can, all my Senses in the controversy about Transubstantiation, to the Decree of a pretended General Council at Trent. For I do look upon both equally a Contradiction to Common sense. And

16. 19.

And now, My Lord, we are come to your last Refuge the Right of Conquest. But this is a Plea so disrespectful to the whole English Nation, as none but Your Lordship, or one inflam'd with a National Antipathy against it; one born in Scotland, and Naturaliz'd in Hol-

16. 19. 11.

land; would have vented. Had this Plea been urg'd by the Dutch themselves, it had been *Ungrateful*, and *Impudent*: *Ungrateful*, because they owe their *Being* to the English *Protections*; and *Impudent*, because they never yet could boast a *Victory*, except the *Bloody Massacre at Amboyna* were one. This Plea is equally disrespectful too, to the *Prince of Orange*, whom it is produc'd to Vindicate; for it makes him at once both *Treacherous*, and *Unnatural*: *Treacherous* to the *States General*, and all the *Foreign Princes* in Amity with them, to whom he protested he meant nothing less than an *Attempt upon the Crown*; and *Treacherous* to the *English*, even beyond thought, to whom he so often declar'd that he came as a *Friend*, and not an *Enemy*; as a *Protector*, and not an *Invader*, or a *Conqueror*. It makes him also *Unnatural* to his *Father*, to his *Brother*, to his *Princess*, and to his *Sister*: To his *Father*, since by this Conquest he has torn'd *Him* out to *Perish* in the inhospitable wide *World*; to his *Brother* (I must have leave, and am bound in *Charity* to believe him such, till something of *Evidence* besides a *Common Fame* be offer'd to the contrary) whose *tender Age* made him incapable of doing Him any *Injury* (an *Excuse* allow'd for *K. Henry 3.* by the *Rebels* themselves, who fought to *Depose* his *Father*;) and who was naturally unable to support the *Fatigue* of a *Winter Flight*; to his *Princess* and to his *Sister*, who never gave him any occasion of complaining; yet this *Conquest* is injurious to all these: For it deprives them of a *Right in Reversion* precedent to his.

But Lastly, This Plea was never mov'd by the *Prince* himself, or any of his *Friends*, in either House of the *Convention*; nor since he was *Proclaim'd*, by any *Authority* (that appears) deriv'd from him. So that, methinks, 'tis much more proper to leave such *Pretexts* to those, who gave the *Crown* and all the *Power* depending on it; and who therefore ought (and possibly may in good time) inspect into the *Original* and weight of them: rather then to acknowledge the *Right of Conquest*, and that *Glorious Appendage*, *Absolute Power* (at the very Name whereof we have been so long frighted out of our Wits) in one, who never *Claim'd* it; and whose receiving of the *Crown*, as a *Gift* from the *People*, is a *Perpetual Bar* to any such *Claim*.

But, my Lord, tho' this is the first time we have heard the *Right of Conquest* Pleaded: yet there were some Persons in the *World* who, even at the time of the *Prince's* first *Landing* (notwithstanding his fair *Declarations* to the contrary) suspected, that his chief *Aim* was to *Depose* his *Father*, and *Usurp* the *Crown*. For all

Men

Licet vero hoc  
hæc Memoriz  
Jo. Pater No-  
ster, in aliqua  
erga vos deli-  
queat, ipsius  
dicitur dete-  
mus esse im-  
munes; nec  
Delictum su-  
um aliquate-  
pus Nobis de-  
bit imputari  
Rit. Pat. 1. 11.  
3. m. 16.

Men who had ever heard of *Dr. Burnet*, knew how far he was engag'd in the *Prince's* Councils, and that *Father Petre* had never a greater Attendant over the King, than he had over *Him*; they knew too, that the *Genius* of the Countrey wherein he was born, and the Advantage of his Natural Wit and Education, were so far predominant in him; that as the latter would not suffer him to write an *unwise* thing; so the former, never let him be guilty of an *unconning* or *undesigning* thing. So that the suspicious part of the World were, from hence, easily induced to believe, as soon as his *Enquiry into the Measures of Submission* appear'd (then which never any Paper chalk'd out fairer, and easier Steps for an *Usurper* to *Ascend a Throne*; or at least, laid a surer Foundation for a continued *Series of Rebellions* and *Ruining of Kings*) that *Measures* and *Designs* were there drawn for the *Prince*. And indeed the whole Event has shew'd, that the Suspicion was not groundless: For let any man strictly reflect upon this Paper, particularly upon that instance of *Desireion*, which he there (among other things) produces; and compare it with the *Art* and *Rudeness* which were used to fright or force the King to something which might be wrested into that Name: And (after this) if he does not find a sufficient occasion to suspect, that the late *Revolution* was foreseen, and design'd when that Paper was writ, let the World Judge. I am sure, if it was not so design'd, it was an unlucky Preparative for what follow'd.

*Measures of*  
*Sub. §. 15.*  
*Vid. Sup. p. 20.*

I hope, your Lordship will pardon this Excursion, and take occasion from hence to clear those Passages wherein I have been mistaken, and thereby remove some *Hard Thoughts* that are entertain'd of your Lordship upon this Account: For if all this were true, and the *Design* so laid, the whole *Revolution*, instead of giving a *Right of Conquest*, which must be founded upon a *Just War*, would appear the greatest *Chear* and basest *Treachery* was ever Acted.

P. 19. §. 11.:

But to return to your Argument. You do not prove that the *Prince of Orange* had a *Just Cause of War*: Or if he had, how can that *Acquisition* be Lawful, which is disproportion'd to the *Damages* sustain'd? For tho an *Heir in Remainder* at *Common Law* may have a Verdict against his Father upon account of *Wastes*; yet I never heard of a *Total Ejection* in that Case. Besides, it is well known that none but the next *Heir* can bring that Action. So that, till the Evidence for the Reality of a *Prince of Wales* be invalidated, neither He, nor his Princess, could Commence this Suit against the King, their Father, were He a Subject.

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As to the Matters of Fact, in your Instances of *Wastes*, and of the Irregularities in the Government; tho' I my self can give very sufficient Testimony (either declining Offers of Advantage, or even in some measure suffering for such neglect (that I might avoid all Obligations of Gratitude to do any thing prejudicial to the Interest of my Religion) will convince your Lordship) that I am a *Protestant*, yet I always call'd the *Facts* you mention here, in Question. Nor if, by *subjecting* this *Independant Kingdom* to a foreign Jurisdiction, you mean to the *Pope*: You would do well to let us know of what nature that Subjection was. For if it was only in Ecclesiastical Matters, 'tis no more than all *Papish Princes* allow, as Essential to that Persuasion: And we of the Church of England ought least of any to complain of this, since the *Duke of York's Religion*, and the Principles thereof, were well enough known to us at that very time, when we so industriously defeated the *Bill of Exclusion*. So that if his Religion was no Bar to his Succession, it will expose a strange kind of Levity in us, to urge it against him as an Argument for his Deposition. But as for any *Temporal Jurisdiction*, I know of none; and am very confident, his *Majesty* never exercised any here. But if by this you hint at the *bloody French League*, you must give us leave to remember, that there has none such been yet produc'd. 'Tis true, your Lordship has taken some pains to make it *probable*. But it has been so far from being *prov'd* upon the King, that the *Prince* Himself did not mention it in his *Declaration*. And when some of the Lords in the Convention, being violent against him, but in general terms, were call'd upon to descend to the *Proof* of Particulars, especially of this and the *Spurious Birth* of the *Prince of Wales* (your next occasion of a *Just War*) they very tamely let the Debate fall, and durst not give any Answer to such a Challenge.

These intimations of his Majesties Crimes, without any appearance of Proof to support them, puts us further in mind of some others of like horrid Nature, which were no less busily whisper'd through the whole Kingdom, and with as great an Assurance of Truth, as these your Lordship here insists on. But why they should continue to be *Secrets* now, is the greatest Secret: Tho' I confess I am strongly inclin'd to believe, that they were only *invented* to blacken the King, and to Alienate the Affections of his Subjects from him: so that since they have Answer'd the End of their Being, in his Ruin, there is no reason to publish the *usful Malice* of those, who devis'd and dispers'd them, by offering at Evidence where they know there is none. The Committee of

## A Letter to the Bishop of Sarum.

*ble Peers*, who made an Attempt towards some New Discoveries into the Unfortunate Death of the late E. of *Essex*, had such ill Luck therein, and their Creature, the *Wine*, was so shamefully baffled, that we are left without all hopes of ever seeing further into those *Mighty Mysteries of Iniquity* charg'd upon the King. But if these Crimes be indeed *known* to be true, why are they not clear'd by some Solemn Testimony of credible *Witneses*? For if they be not known, it can never be answer'd either to God or Man, that a King should be thus Scandalously Defamed upon no sufficient Motives even, of Credibility: much less that the Justice of a War against him should be grounded on the pretence of a *Common Fame*: then which nothing is more False and Malicious; and to which I presume your *Lordship* has no great Temptation to Appeal. No sufficient grounds therefore for the Justice of the War appears: And if the War be unjust, all the Acquisition is so too.

Page 21.

But I will carry it one step further, and in that, as far as you your self can wish. I will suppose the War just, and therefore the Acquisition a Lawful Title; yet the Prince of Orange is no more concern'd in it then every General in the case of Conquest. The Honour is theirs; But all the Benefit accrues to those only, who had the Right to make the War. So that whatever Obedience or Allegiance is due, 'tis not to the Prince, but to the Princess, in whose Right the War was begun, and the Conquest, if any, made. This is Evident, and needs no more words for the confirmation of it.

Your *Lordship*, I suppose, never design'd that this next Fallacy should pass upon the World for an Argument. You seem to be in the humour to make a Jest, when you urge the King's Deserting, if forc'd, as an Evidence of Conquest; or if voluntary, of a wilful Desertion, forfeiting his Crown. For was ever King thought to be Conquer'd, only because he was Betray'd? or lose his Right to his Dominions (tho. he lost the Possession) because his Subjects prov'd Traitors and Deserted him? All the Kings Actions and Councils have sufficiently shown, that he did no more, then what self-preservation and common Prudence oblig'd him to: he gave way to a Torrent, that would else have overwhelm'd him, till he could gain time and strength to make head and Repel it; which concludes no more against his Right, then his Brothers Flight at Worcester did against His; notwithstanding which, his Restoring Parliament is said in the Title to be held in the twelfth Year of his Reign.

But

But this Reflection is forc'd and Malicious, which you make upon his casting the Great Seals into the Thames: From this Action, which you call the *unaccountable part of his withdrawing*, you conclude, that he had taken a Resolution of Perpetual Tyranny; and that he would no more Govern by the *show of Law*: Whereas, if your Lordship considers that the Broad Seal carries with it the Kings Authority, as well as his Image, you must own, that he had great Reason to keep it from the hands of those who were so insolent to him, least thereby they should get an opportunity to employ his *Authority* against his *Person*. Page 22.

Lastly, The Dilemma which your Lordship brings, for the Conclusion of the whole, is Defective in every part: For when the King *with-drew*, he left his *Privy-Council*, who have Power of themselves, and he soon after sent a *Letter* to them, with his Directions to issue Orders for the due Administration of the Government; All Towns Corporate were Restor'd to their Ancient Rules and Charters; and there were Sheriffs and Justices of the Peace in most Counties, for the Civil, and Lord-Lieutenants and their Deputies, for the Military State: So that we were not, and therefore there was no necessity of *Continuing*, in a *State of Anarchy*. If these did not Act according to their Commissions in their several Stations, the fault was not the King's, but *Theirs* who so far over-aw'd them, that they durst not. Besides, we must not lay too much stress upon this, lest we find an Uparallel'd Neglect in the first beginnings of the Prince's Government: For he apply'd no other Remedy to this intolerable Confusion, during his Administration of *Publique Affairs*, before he was Proclaim'd, and some time after, but to remove that Awe and Dread of his Displeasure they then Labour'd under, and to give them new Life to Execute that Power they had received from the King, by an encouraging Proclamation. So that in whatever *Anarchy* the King Left us, the Prince Continu'd us: But I confess it was such, that very few would have suffer'd by it, tho He at the same time had Return'd into *Holland*. Page 22.

The Necessity was not greater of *Returning to that Misery*, we so much dreaded a few Months before: For our Case was so well amended before the Prince of Orange Land'd, that could we then have remain'd, or now have leave to return, to the same Condition, we should have no just Cause of complaint or fear. However, I have above in some measure show'd, that the present Settlement has no *Legall Foundation*, and therefore cannot likely long secure the Peace and Quiet of the Nation. So that the same *Misery and Confusion* does still threaten us, with this addition, that we cannot Page 23.

not now have the comfort of suffering innocently. We have Plung'd our selves into the same sin of Faction and Conspiracy, which we so Severely (I had almost said Uncharitably) reprov'd against in others: And therefore, if the King should *Return*, we must expect to be Chastis'd if not Punish'd; but if not, tho' the *Princes* may serve himself of our supineity, I cannot think he will ever forget or forgive the Treachery. *Peste of Conscience* is all we can hope for, and that we shall not find, till we have made an *Atonement* for our Sin.

Page 23.

The next thing Observable chills my Blood: An English Bishop dogmatically Affirming; that in all *Extraneous* relating to the Government, that is always best which is safest; and every Resolution, which is necessary to the Peace and Happiness of the Nation, is upon that very account Just and Good, because it is Necessary. This had founded much better in the Schooles of the Jesuits: And is far more agreeable to the Maxims of Machiavelli, than to the Doctrins of the Church of England. And if Your Lordship do not well Limit the Judge of this Necessity, I may safely Affirm, that all the Unnatural and Rebellion Principles of the Jesuits and our Democritists, join'd together, cannot be more pernicious to any State than this one of Your Lordship's. For Instance; Can there be any Grievance so intolerable; and so necessary to be redrest in any Government, as that of Suppressing the True Religion? Is it not also most undoubtedly true, that every man firmly believes the Religion he Possesses to be the True and the Best? If then any Sect, whether Christians, Turks or Jews, find their Circumstances such, that to support their True Religion, the dearest thing on Earth; and the Extremity thereof, the greatest Privilege, and most desirable Happiness that can be secur'd by any Establishment, it is absolutely Necessary, or at least in this Extremity the safest way, not only to Murder the Reigning King, but perhaps even his whole Race, and to Massacre all those who any ways set themselves in opposition to 'em: This Maxim justifies all; it was absolutely Necessary, and therefore upon that very account Just and Good.

Again, Should a Combination of Men Deliberate thus; Nothing can bar an aspiring English man from Disturbing the Government, by Treasonous Attempts and Usurpations, but an apparent Impossibility of Success: Nothing concludes such an Impossibility, but a perpetual want of Pretence and Title, by placing an Hereditary Right in another; if therefore the Succession be once interrupted, there can be no Peace nor Happiness to the Nation, till it falls again into the Right Line. This Opinion they are Confirm'd in, by considering

considering the long Wars between the two Houses of York and Lancaster, till they were United by K. Henry the Seventh; and of late the continued Convulsions, and Changes of the very Forms of the Government, after the Murder of K. Charles the First, till the Happy Restoration of *His* Heir and Rightful Successor. These Observations they apply to the *Present Settlement*, and find it not unlike that under K. Henry the Fourth; and fear the Consequences will be the same. For *His Majesty* having a *Just* and a *Legal Title* to the Crown, will never desist from all possible Endeavours to be Restor'd to his *Own*, and K. William, having obtain'd the Possession, seems resolv'd (tho by the Power of a *Foreign Army*) to keep it. As the King has Successors, he must return with such as are no Friends to the *English*; and the *Insufferable Affronts* which have been put upon him, will probably prompt him to a *just Revenge*: And will be a very strong Temptation to him, to Execute those Designs, which have been so unreasonably Charg'd upon him; If he dyes in the Attempt, he entails all his Forces, his Friends, and the Justice of his Warr, to his Son, and that Line that may possibly Spring from him. But should these fail, and K. William remain without this Competition: Yet the Government is Unhapp'd; the Crown is become *Elective*, whereby every man may plead a *Right*, who can get *Voices and Hands* enough to reach it; and the natural fullen Complaints of the People, and their Pretences of Grievances, will successively reach out Hopes and *Occasions* to some Proud Aspiring Patriots to Attempt it. From these Melancholly Reflections, they come to this Conclusion, That in this Extremity, and to prevent this Continuance of Miseries, and at last inevitable Ruine, the safest way, and therefore the best, is to Restore the Succession to the Right Line, by Removing the two Contending Kings, and the Disposed Prince, and leaving Q. Mary the Second, the Rightful Heiress alone in the Throne; whereby the Government will be fixt again upon the only firm and lasting Basis. This they resolve, and this they Execute: Can your Lordship Condemn them: The Resolution is necessary to the Peace and Happiness of the Nation, and upon that very account Just and Good, because 'tis Necessary. But I believe this will pass with very few for sound Doctrine; and therefore your Lordship may find your self Oblig'd, either to Retract the Maxim, or at least to explain it so, that it will signify very little in the place where it stands.

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And now, my Lord, I have laid before your Lordship my Exceptions to your Reasons: And till I meet with better Arguments, or better Confirm'd, I cannot but Conclude, that the Settlement now made, is founded upon no Good Grounds; and that the Convention had no Authority to make such a Decision, and therefore tho' I am ready to submit, and pay SOME Obedience to the Possessor of the Throne, yet I cannot pay ALL that Obedience, and Duty, which I naturally owe the Rightful Sovereign: And therefore cannot swear it in such words, and such terms, as imply ALL; and are intended by the Imposers to do so.

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There further remains to be Consider'd your Lordships Answer to an Objection, from those Oaths and Engagements, whereby we were (and are) bound to K. James, and his Heirs; which is this, that Allegiance and Protection are Duties Reciprocal: So that, if one fails, the other ceases. What the word Allegiance means in our Oaths, and what we are Oblig'd to by it, I presume we were agreed above: and therefore no need of engaging in a new Enquiry into the Original of the word. But as to the Obligation it self, I shall ask your Lordship this easie Question: Are you sure, that we owe

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687.

Page 24, 25.

no Allegiance to a Prince, whilst he remains under an incapacity to Protect us? I never met with any so black Mouth'd, but the Resciders themselves, or their profess Adherents, that they durst deny Allegiance to be due to K. Charles the First under his Confinement: yet he was so far from being able to Protect his People, that he could not secure himself from the Rude Insolence of his Keepers; and the Horrid Barbarities of his Murderers. But are you sure, no Allegiance was due to K. Charles the Second in his Exile, tho' he could not Protect? yet the Parliament has Declar'd, and it is undeniable, that he was King of England all that time: and truly, I cannot comprehend the Notion of a King without Subjects, nor of Subjects who owe no Allegiance to their King. These are too sublime Thoughts for me to understand.

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Asto the word Heir, 'tis true; No Man can be bound to him till the Inheritance be his. Who affirms it? do but give us leave to pay our Allegiance to the King, and we will never ask to transfer it, during his Life, to any other. But the force of the Objection from the word Heir, is this: That had you made it appear, that K. James has actually ceas'd to be King, it had been at least a Death in Law; and the Crown (being Hereditary) by the Constitution of the Government, at the same moment had devolv'd to the next of the Line. For it is a known Maxim, that the King of England never dies: This Kingdom knows no interregnum: But when the Predecessor Ceases,

Ceases, Then the Successor begins to Reign. And therefore in all the Revolutions which have happen'd in England, it is remarkable, that the Right of Inheritance was always the Claim, tho' often unjustly apply'd to the Person. Thus K. Henry the Fourth, so soon as the Resignation of K. Richard the Second was read, and the Sentence of Deposition was pronounc'd, immediately stood up, and CLAIM'D the Kingdom and Crown of England, &c. as his INHERITANCE, descending by RIGHT from K. Henry the Third: Nay even the Election of that Bloody Usurper K. Richard the Third, by the Three Estates out of Parliament (the only Precedent for our late Convention) which was also confirm'd by a succeeding Parliament, was ground'd upon his RIGHT, TITLE and ESTATE, &c. 10 and in the Crown, &c. by the Laws of God and Nature, and also by the ancient Laws, &c. of this Realm, &c. And therefore, it was Decreed, &c. That he was the very undoubted King, &c. as well by RIGHT of Consanguinity and INHERITANCE, as by Election.

Cott. Rec. 1  
H. 4. P. 388.

See the Record  
at large. Cott.  
Rec. 1. R. 3.  
Page 709.

The Recognition of the Parliament to K. James the First is yet more full: For they acknowledge, That IMMEDIATELY upon the Dissolution and Decease of Elizabeth late Queen of England, the Imperial Crown of the Realm, &c. did by INHERENT BIRTH-RIGHT; and Lawful, and Undoubted SUCCESSION descend, &c. to his Majesty. From which, and many other Passages, in our Laws and Histories, it is Evident, that by the Constitution of this Government, the Crown immediately devolves to the Heir, by a Lineal Hereditary Right of Succession. So that there is no room for either a Convention, or a Parliament, to appoint or determine the Successor, because he is actual King before they can even Assemble to proclaim him, much less to make such a Decision as manifestly supposes, or makes, an Interregnum, and breaks the Succession by excluding the known Rightful Heir.

Jac. 1. c. 1.

But I perceive your Lordship is positively in the Right; and that you have Examined the Nature of Civil Societies in general, according to the Roman Law; and the Nature of the English Government, from the Laws and History of England, with so much Care, that you understand our Constitution much better than our Legislators themselves, and may therefore be allowed to Contradict them, as oft as you please. But methinks some maintainers of a contrary Opinion, deserve more Consideration, from an English Bishop, than your Lordship here seems willing to afford them. It is a very bold Censure, that at once reaches the Compilers of the Homilies, a whole University, and the Repeated Convocations of the Clergy; and that charges all these Ornaments of the Church of England, with

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want of *Learning or Care*, to understand the Constitution of our own Government, and of the Necessary Knowledge of the *Degree of Submission*, which are due from the Subjects to our Kings; for all these agree, that a *Supream Power is lodg'd with them, which Exempts them from being call'd to an Account, or Resist'd by their People.*

Enquiry into  
the Reasons for  
Abrogating  
the T. R. Art.  
35.

1. Your Lordship sometime ago thought it Answer sufficient to the Bishop of Oxford, to show that his Assertions were repugnant to the Doctrine of this Church, as Express in the Homilies; And prest it justly enough upon him, that he must either *Renounce our Church, and all he Possess in Consequence of his having Sign'd her Articles* (wherein it is Declar'd, that the Homilies contain a Godly and wholesome Doctrine) or else, that he must *Answer his own Plea.* Your Lordship has Subscrib'd them as well as He: And, if you continue of the same Opinion, you too must either *Retract or Resign.* For they lay this down for an Universal Principle, That *Kings and*

Hom. against  
Reb. Par. 1.

*Princes, as well the EVIL as the GOOD, do Reign by GOD's ORDINANCE; and a little lower declare their Original to be neither by Chance and Fortune, nor by Ambition, but that they are SPECIALLY appointed by the ORDINANCE of GOD. They hence Conclude, that when God gives a People an EVIL Prince, he does it for the punishment of their Sins; and that we are therefore bound to Obey such, least, after we have provok'd God by our Wickedness, to place them over us, by Rebelling against them, we be found to Rebel also against God. And to shew the reasonableness of this Opinion, they add, What a Perilous thing were it to Commit unto the Subject, the Judgment, which Prince is Wise and Godly, and his Government Good, and which is Otherwise? As though the Foot must Judge the Head. But they carry the Case further, and suppose the Prince to be Evil indeed, and also evident to all Mens Eyes, that he is so: What's to be done, to have such an Evil remov'd from us? Their Answer is, Let us take away our Wickedness, which provok'd God to place such a one over us, and God will either displace him; or of an Evil Prince, make him a Good Prince; so that we first will change our Evil into Good. But to obviate all Objections that can be rais'd, they go on thus. Shall not we, especially being so Good Men as we are, Rise and Rebel against a Prince, HATED of GOD, and GOD's ENEMY; and therefore likely not to prosper either in Peace or War, but to be Hurtful, and PERNICIOUS to the COMMON-WEALTH? No. What shall we then do, to an EVIL, to an UNKIND Prince, our KNOWN MORTAL and DEADLY ENEMY, HATED of GOD, HURTFUL to the COMMON-WEALTH, &c? Lay no VIOLENT HAND upon him, saith good David, but let him LIVE, till*

ib. Par. 2.

will GOD appoint and work his End, either by NATURAL DEATH, or in War by LAWFUL ENEMIES; not by TRAITEROUS SUBJECTS. Lastly, since the Redress of the Common-Wealth, and the Defence of Religion, are the usual Pretences for all Insurrections, *lib. Par. 4.* they have carefully prepar'd fit Antidotes against these Pests: Against the former, this, *Rebellion is the greatest Ruin, and Destruction of all Common-Wealths*; and against the later, this, *The TRUTH of the Gospel, though it cost them their LIVES that Teach it, is able to maintain the True Religion.* In a word, God alloweth, neither the DIGNITY of any Person, nor the MULTITUDE of any People, nor the WEIGHT of ANY CAUSE, as SUFFICIENT for the which the Subjects may move Rebellion against their Princes. I shall only observe upon all this, that let the Pretence of taking Arms against the King be what it will, the Compilers of these Homilies call it in plain Terms, nothing less then Rebellion: And therefore since this Doctrine is Calculated for the Meridian of England, before I can submit to swear the New Oaths, whereby I should be oblig'd (as much as in me lies) to support an Establishment whose Foundation is Rebellion; I must either be Convinc'd, that the Doctrine of these Homilies is not, what I have subscrib'd, GOOD and WHOLESOME; or else I must have this DOCTRINE and these OATHS Reconcil'd.

2. The University of Oxford, in a full Convocation have given their Opinion, that there cannot be any Power LAWFULLY Exercis'd within this Kingdom, which is not SUB-

ORDINATE to that of the King. How then, I beseech your Lordship, can the King be accountable to any? For to be oblig'd to give an account, is the rarest Instance of Subordination Imaginable. But the same University has since given their Judgment more distinctly and definitively, and Decreed, Judg'd, and Declar'd, all and every of these (and some other Jud. Acad. Ox. there mentioned) Propositions, to be FALSE, SEDITIOUS, and IMPIOUS; and most of them to be also HERETICAL, and BLASPHEMOUS, INFAMOUS to Christian Religion, and Destructive of All Government in CHURCH and STATE, viz.

*Profruentur non nequitiam intelligere posse, qui possit in hoc regno Potestas aliqua legitime exerceri, quæ non sit Regiæ Potestati Subordinat. Jud. Acad. Ox. 1. 1 Jun. 1647. §. viii.*

Prop. I. All Civil Authority is deriv'd Originally from the People.

Prop. II. There is a mutual Compact Tacit, or Express, between a Prince and his Subjects; and that if he perform not his Duty, they are Discharg'd from theirs.

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Prop. III.

Prop. III. *That if lawful Governors become Tyrants, or govern otherwise then by the Laws of God and Man they ought to do, they forfeit the Right they had unto their Government.*

Prop. IV. *The sovereignty of England is in the three Estates, viz. King, Lords, and Commons. The King has but a co-ordinate Power, and may be over ruled by the other two.*

Prop. V. *Birthright and Proximity of Blood give no Title to Rule or Government, and is so lawful to preclude the next Heir from his Right of Succession as the Crown.*

Prop. VI. *It is lawful for Subjects without the consent and against the Command of the Supreme Magistrate to enter into Leagues, Covenants, and Associations, for Defence of themselves and their Religion.*

Prop. VIII. *The Doctrine of the Gospel concerning patient suffering of Injuries, is not inconsistent with violent resisting of the higher Powers in case of Persecution for Religion.*

Prop. IX. *There lies no Obligation upon Christians to Passive Obedience, when the Prince commands any thing against the Laws of our Country; and the Primitive Christians chose rather to die then resist, because Christianity was not yet settled by the Laws of the Empire.*

Prop. X. *Possession and Strength give a right to Govern, and Success in a Cause or Enterprize proclaims it to be lawful and just; to pursue it is to comply with the will of God, because it is to follow the conduct of his Providence.*

Prop. XV. *If a People that by Oath and Duty are oblig'd to a Sovereign, shall sinfully dispossess him, and contrary to their Covenants chuse, and Covenant with another; they may be obliged by their latter Covenant notwithstanding their former.*

Prop. XVII. *An Oath obliges not in the sense of the Imposer, but the Takers.*

Prop. XVIII. *Dominion is founded in Grace.*

Prop. XXVII. *K. Charles the First made War upon his Parliament; and in such a case the King may not only be Resisted, but he ceaseth to be King.*

*These and some other Democratical Propositions being thus Consider'd, by such Authority, and in such Terms, I do not envy your Lordship the Honour of maintaining them.*

3. Lastly, The Doctrine of *Non-Resistance* against our Kings, tho' Tyrants; and of their Exemption from Account to any Power on Earth, is Asserted by a far greater and more Convincing Authority; the *Injunctions* of the King; and the *Canons* and *Constitutions* of the Church, ever since the Reformation. In the *Injunctions* we find that all Ecclesiastics should Preach, four times every Year, that

the King's Power, &c. is the HIGHEST POWER under God, to whom ALL Men by GOD's LAWS owe MOST Loyalty and Obedience, afore and ABOVE ALL Other Powers and Potentates on Earth. The observance whereof is made an Article of Enquiry by A. B. Cranmer, in his *Kisitations*, distinct from that about the Popes Supremacy: And Bishop Ridley Enquires farther, whether any Preach, that private Persons MAY make Insurrections.

But if your Lordship will not Acquiesce in the Authority and Decision of these Injunctions, and Articles of Enquiry, I hope you will have some Respect to a Provincial Synod. Yet that in the First Year of K. James I. Constitutes and Ordains the same thing, with these Injunctions, and in the same words.

The Nine and Thirty Articles of Religion are of a yet greater Authority: For they were agreed upon by the Clergy of both Provinces, An. 1552, and were afterward Ratify'd and Confirm'd by a Provincial Synod, An. 1571. These Articles all we of the Clergy are oblig'd to subscribe, and to acknowledge that all and every single Article therein contained, is agreeable to the Word of God: And so much Care is taken to discover any Change of our Opinion, with Relation to any of them, that as oft as we remove from one Diocese to another, we are oblig'd to Repeat the same Subscriptions. A preceeding Synod is yet stricter; for it requires us, not only to subscribe our Assent, but to give our Solemn Promise, that we will Maintain and Defend the Doctrine contained in them, as most Agreeable to the Truth of the Divine Word. But besides this Particular Obligation us, of our Repeated Assent, two Parliaments have also Confirm'd these Articles: After which, we are to look upon them as transfer'd from the Ecclesiastical, to the Civil State, and Incorporated with the Laws and Constitutions of this Government. So that every Lawyer, as well as Divine, is oblig'd to submit to their Authority, and to be concluded by them: and therefore to own, with them, that the Queens Majesty hath the CHIEF POWER in this Realm of England, &c. unto whom the CHIEF GOVERNMENT of ALL Estates of this Realm, whether they be Ecclesiastical or Civil, in all Causes doth Appertain.

But to prevent all Exceptions and Evaluations hereof, and for ever to Silence those Democratical Principles that begun to be industriously maintained, and instill'd into the People about the year 1640, in order to hasten that Wonderful Rebellion, which soon after broak out; the Church took care to Decree, that the Most High and Sacred Order of Kings, is of DIVINE RIGHT, being the ORDINANCE of GOD HIMSELF, founded upon the PRIME LAWS

of

of NATURE, and clearly Established by EXPRESS Texts both of the Old and New Testaments. A SUPREME POWER is given to this most Excellent Order by GOD HIMSELF in the Scriptures; which is, That Kings should Rule, and Command, in their several Dominions, ALL Persons of what Rank or Estate soever, whether Ecclesiastical or CIVIL.

That when Prelates used the Power of Calling and Dissolving Councils, &c. It was, as in times of PERSECUTION, with supposition (in case it were required) of submitting their very LIVES unto the very Laws and Commands even of those PAGAN Princes, that they might not so much as SEEM to disturb their CIVIL Government, which Christ came to Confirm, but by No Means to Undermine.

For any Person or Persons to set up, maintain, or avow, in any their said Realms, &c. under ANY PRETENCE whatsoever, Any INDEPENDENT COACTIVE Power, either Papal or POPULAR, (whether Directly or Indirectly) is to UNDERMINE their great Royal Office, and Cunningly to Overthrow that most Sacred ORDINANCE, which GOD HIMSELF hath Established: And so is TREASONABLE against GOD, as well as against the King.

For Subjects to bear ARMS against their Kings, Offensive or DEFENSIVE, upon ANY PRETENCE whatsoever, is at least to Resist the Powers which are ORDAINED of GOD: And though they do not Invade, but only RESIST, St. Paul tells them plainly, They shall receive to themselves DAMNATION;

Rom: 13. 2.

This Extract from the Publique and Authentick Records of the Church of England, will I hope, Convince Your Lordship, and the World, that the Doctrine, to which we have so often given our Assent, is Evidently Repugnant to the Depositing our Kings, by Any Power on Earth. And that therefore K. James II. according to our own Doctrine (our Subscriptions have made it such) is still our Lawful King, notwithstanding his Failings in the Administration of the Government, that we still owe him the Allegiance of Faithful Subjects, and for that very Reason we cannot Swear the the New Oaths, and thereby transfer it during his Life, to any Other. Whether it will prove Effectual to this end or no, time will inform us: But I think it cannot possibly fail of another, which is this to Vindicate my self and my Brethren, and Fellow-Sufferers, from your Lordships severe and uncharitable Censure of Adhering Obstinately to a preconceived groundless Opinion; since 'tis Evident, that we hold no more then is plainly Decree'd by so considerable a part of the Catholique Church, and the only Support of the Reformation. And we cannot but believe, that should we Re-

MONICE

namely this Truth to prevent a Persecution, or to keep the Doors of our Churches shut against the Dissenters, the Reproach and Scandal hereof, would be indelible.

I cannot close this Letter, till I have given my Opinion of the Passage you cite out of the Magna Charta granted by K. John, which, you say, is now with his Great Seal to be in your Lordship's Hands: Tho' I do not see, that it Concludes very strongly in Favour of the Proceedings in this late Revolution. An exact Judgement indeed cannot be given, without a sight, or a Copy of the rest of the Charter: But by comparing and examining some Copies of Records, relating to the Transactions of those Times, which now happen to be in my hands, I am induced to entertain this Opinion of it, that that Charter has not the force of a perpetual Law, in every Clause and Member of it; But that it was only a Personal Treaty and Pacification, between that King and his rebellious Barons, who overpowered him: And does no more Bind his Successors, in this Part of it, than his Surrender of the Crown into the hands of his Holiness, and his receiving it again in Vassalage from him.

I am enclind to this Opinion by the following Considerations. 1. That within the space of Nine Years this Charter was Ratified, at least, four times: For the doing whereof, no tollerable Reason can be Assigned, if it had at first the Force and Continuance of a Law. 1. The first Confirmation of it, was granted in the First Year of the Reign of K. Henry 3. and probably at his Coronation; for within four or five Months after the Death of his Father, I find him granting to his Subjects of Ireland thus, that You may enjoy the same Liberties, as have been granted to our Kingdom of England, by our Father and by Us: Which he could not have said, had not he himself either Granted, or at least Confirm'd them? 2. A second Confirmation I meet with, in the beginning of the Second Year of the same King's Reign. For when he sent down his Charters into the several Counties, he sent with them a Mandate to the Sheriffs, to see them Proclaim'd in their full County Courts. The Date of the Mandate is 22 Feb. and therefore a strong presumption, that these Charters themselves were distinct from those above-mentioned; Because it is very improbable, that the former Grants and Ratification, which he made above a Year before, should lie so long conceal'd; and should then want to be dispers'd and publish'd. But the Collector of these Records says, that

Page 28.

An ungs Archive for Records of such Publique Concern.

Libertatibus Regno nostro Anglie a Patre Nostro & NOBIS Concessis. Dat. 10 Glouc. 6 Feb. Rot. Pat. 1 H. 3: m. 13.

Rex, Sc. Salutem. Mittimus tibi Chartas de Libertatibus, Sc. Mandantes quatenus eas legi facias publice in Pleno Comitatu tuo. Sc. dat. 22 Feb. Rot. Clauf. 2 H. 3:

## A Letter to the Bishop of Sarum.

in an *Ancient MS.* supposed to be Writ about the time of *H. Edward 1.* he finds the Date of these Charters to be 6 Nov. *Ann. Reg.* 2. which is a Demonstration of a *second Grant.* 3. In the Year 1183, after *Michaelmas*, and consequently either the latter end of the *Fox's MS.* and second, or beginning of the *third Year* of his Reign, this King held a Parliament at *Westminster*, wherein he Confirm'd and Ratify'd, by his Charter, all the *Franchises*, which were made and given by *King John* his Father. 4. In the *Seventh Year* of his Reign, he was Adjudg'd of Age (being *sixteen Years Old*) to take the Government into his own Hands. This he had no sooner done, then the *A. B. of Canterbury* in open Parliament, minds him of the Oath, which was Sworn, in his Name, by the *E. of Pembroke* (*Revere Regis & Regni*) and others, at the Pacification between Him and the Dauphin, that he would restore and confirm those Liberties to his Subjects for which the War (or rather Rebellion) broke out between his Father and the Barons. Upon this Admonition, he owns the Obligation of the Oath, and Issues out Writs into every County, whereby *Twelve Men* were Chosen to make Enquiry upon Oath after such Liberties and Franchises as were (not Granted by *King John*, but) in use in the time of *R. Henry his Grandfather*: And according to the Returns made upon these

Per Sacramentum facient inquiri quæ fuerant libertates in Angliæ tempore Regis Henrici Avi sui, Rot. Clauf. 7. H. 3. m. 9.

Mag. Chart. 9. B. 3. c. 15. 16. 33. & 37.

A. 1183. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

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Pro hac antequam donatione & Concessionem libertatum istarum & Aliarum Contentarum in Charta Nostra de Libertatibus Ann. Episc. Ep. Ab. Pri. Com. Bar. &c. dederunt nobis Quindecim annis Partem omnium honorum suorum Mobilium &c. Dat. 6. Nov. An. Reg. Nostr. 7. Ex Ant MS. 3. p. 12. 13.

Writs, the Great Charter, in the Ninth Year of this King's Reign, in a more Regular Form of Law then before, was a fourth time Granted. This is the *Magna Charta* in the front of the Statute Book, which is look'd upon as the Measure and Foundation of all our Laws: And 'tis this (not that of *R. John*) which is again Ratify'd and Perpetuated by *R. Edward 1.* his Son and Successor. These are strong Presumptions, that the first Grants of these Liberties were very defective, in something Essential to the Being of a Law: For if not, what can mean so many Confirmations in so little time?

2. Another inducement to this Opinion is the Profuse Returns of the Parliaments to *King Henry III.* for his Confirmations. For I find from the passage cited by the Collector of these Records out of the MS. above mentioned, that the Parliament for his Donation and Concession of the Charters in the beginning of the second Year of this Reign, gave him a fifteenth Part of all their Moveables. A Tax so considerable, that it was thought a sufficient supply in the Ninth Year of his Reign, to carry on the War with France; and

and was then again given him for his Fourth Grant, as appears by the *Infirmum* of King Edward I. But this was not all: for in Consideration of the Third Grant (before mentioned) the Parliament gave him Two Shillings upon every Plough Land, through England. We must here consider (which will heighten the Wonder) that the intrinsic value of money in those times (if laid out in exchange for the necessaries of Life) was at least ten times the value of the same money now. For (if we may make the Estimate from the Price of Corn (and that I think is the best Standard in England) we may readily perceive, by the Affise of Bread in this Reign, that the common price of Wheat was then 3s. and 3s. 4d. the Quarter, as it is now 30s. and 35s. We must also remember, that, between these two last mentioned supplies, a Poll was given for the King of Jerusalem, whereby every Earl was Oblig'd to pay 3 Marks, a Baron 1 m. a Knight 12 d. and every Freeholder (if not every Householder) 1 d. which still made the Subjects less able to support the others. These things being duly considered, the great Condescensions of those Parliaments is unaccountable, when they lay such heavy Taxes upon themselves, as would now almost be intolerable, and Bribe the King at this vast Expence, to be Graciously Pleas'd to Revoke a Law (if this Charter of King John was such) which was made at furthest not above Ten years before, and consequently impossible to have yet been Obsolete, and which was Enacted (as all Laws are) by the Supreme Authority, and therefore could not receive any Additional Force. But they are abundantly more Unconceiveable, if that be true, which your Lordship would so strongly from hence infer, that there was then no such Irresistible Authority in our Kings; but that they were Accountable to their Parliaments for the willful Breach of those Fundamental Laws.

3. These Exceptions may be farther made to the Validity of this Charter, tho not altogether to Conclusive. When King Henry III. Invites Hugh de Lacy, and others, to come in to him, and Promises, If they do, to RESTORE All their Rights and Liberties, Entire to them: He makes their Obedience the Condition of this Restitution. This were a great Impropriety of Speech, had the Charter of King John (which was granted not full two years before) Confirm'd then by the Force and Authority of a Law: for a Law is the best Advised, and most deliberate Act of the Supreme

*Fax ubi sup. Concesserunt Nobis, &c. de qualibet Caruca duos solidos Rot. Claus. 4 H. 3. m. 5.*

*Rot. Stat. 29. E. 1. m. 38. & Mag. Ch. 9. H. 3. c. 37.*

*St. 31. H. 3. Affisa Panis, &c.*

*Rot. Claus. 6. H. 3. m. 19. & 7 H. 3. m. 20. dor.*

*SI. ad nos venire volueritis, Jur vestra & Libertates vestras, per Concilium Dilectorum Fidelium Nostrorum R. Com. Cestrie, W. Comite Beravie, & aliorum Fidelium Nostrorum, integre Vobis RESTITUEMUS. Rot. Par. 1 H. 3. m. 16.*

Power.

Power, and therefore (if an *Absolute Power* was not lodg'd with Him (which I suppose your Lordship will not allow) He could neither *Revoke* it, nor give any *Additional Sanction* to it: How then could he speak *Conditionally* about it? Or since he had Sworn at his Coronation to Observe *All their Laws*, if they could not acquiesce on such a Solemn General Promise, where was the Inducement to Regard his Letter. Again, when he concluded a Peace with the Dauphin, he Swore to restore to the Barons, all their *Rights* and *Liberties* so long desir'd. But, they being already granted by this Charter of King John, if that had the real Force of a Law, his Oath amounted to no more then this, That he would Observe his Coronation Oath: This would be a very Extraordinary Promise to any Foreign Prince as an Article of Peace.

4. This whole Charter was *Damn'd* almost as soon as made: For one Brewer, a Councillor, disputed the Legality even in those days. Besides, we find in the Great Charter it self (of King Henry III.) four references to the Reign of King Henry his Grand-Father, but not the least hint of any former Charters, either by himself or King John his Father: which tacitly implies the Nullity thereof. And when King Edward I. would Revive and Confirm the *Rights* and *Liberties* of his Subjects to them, he does it by the Confirmation of this (not that of King John) as appears by the Print: But the Confirmation in the Record is more full: for there the King Grants, that the Grand Charter of Liberties, and the Charter of the Forest, which were MADE by the COMMON ASSENT of the whole Realm in the TIME of K. HENRY his Father, shall be Observed, &c. This seems Naturally to imply, that they were THEN FIRST MADE by the Common Assent of the whole Realm, and therefore then

first pass'd into a Law: which necessarily Concludes, that all the former Charters, as well those of King Henry III, as this of King John, were deficient in some thing Essential to a Law.

5. In all, or most Treaties of Peace, some Towns and Places of Strength are usually interchang'd for Caution, 'till Commissioners or other Deputies on either side have adjusted the Differences mutually refer'd to 'em; and 'till the Heat and Fury of War can be calm'd into a state of Peace. For usually the Right of Things in Dispute, require both Time and Peace, to be duly examin'd: And therefore some Temporary Articles become necessary, which do only relate to them. The same things are Observable in the Case before us. That there was a PEACE at this time Concluded, between

—Les quelles furent FAITES,  
per COMUNE ASSENT de  
Tut le Royaume, en TEMPS le  
Roy (perhaps du Roy) HENRY  
Nostre Pere, &c. Rot. Stat. 23.  
(perhaps it should be 25) E. 1. m. 38.

between this King and his *Rebellious Barons*, will be deny'd by none who looks into the *Histories of his Reign*: And he gives notice of it in these Terms; *Know, that a Firm PEACE was made, by the Grace of God, between Us and Our Barons, on Friday next after the Feast of the Holy Trinity.* It can a little be doubted that this *Charter* contains the *Articles of the Peace*: For the King sending his *Precept* to the *Sheriffs, Foresters, &c.* Writes thus; *Know, that a firm Peace is made, &c. as you may have heard by our CHARTER, which we have THEREUPON caused to be made, &c.* Commissioners were also agreed on, to adjust their Differences, viz.

12 *Knights and 25 Barons*, and for *Camion*,

\* the *City of London* was to be deliver'd into

the hands of the 25 *Barons*, and the *Tower of*

*London* to the *Arch-Bishop of Canterbury*, till

the *Ascension of the B. Mary*: But if by that

time, *Restoration* was not made (according to

the *Determination of the Barons*) then they

were to continue longer in their Hands, till all

was satisfy'd; and in the mean time, that every

one of either Party should recover their *LANDS,*

*CASTLES, and Estates, which they had at the be-*

*ginning of the War.* To these *Temporary Articles*

of *Restoring Castles and Lands, &c.* does

the *Clause, your Lordship's Injuncts,* &c. presume

properly belong: And this I am the rather in-

clin'd to believe, because the *Ways of Dis-*

*stressing the King* are here mentioned to be,

the *seizing on his Castles, Lands, and Possessions;*

so that, upon the comparing One Record with

the Other, this *Clause* in short seems to imply

no more then this, that they should keep those

they had, and seize on the rest, by way of

*Reprisal*, till he should *Restore* their *Castles*

and *Possessions, &c.* to them: But these, being evidently *Tempo-*

*rary Articles of a Personal Treaty*, cannot without *Violence* be ex-

tended to his *Successors*.

6. But however, this is an *Uncontroverted Maxim*, that all

laws *Statutes* supercede the former, so far as they stand in *Opposition* to

one another: So that should we allow, all that you can say or wish,

Rex Stephanus Heingod, Sc. Sci-  
ates, quod firma PAX facta est, per  
dei Gratiam, inter Nos & Barones  
Nostros, die Veneris proximo post  
Fest. S. Trin. Sc. T: Meipso ap-  
ponimus 18 d. Jun. An. Reg. Nost.  
17 Rot. Pat. 17 Joh. m. 13. n. 3.

— Per CHARTAM Nostram,  
quam INDE fieri fecimus. Rot. Pat. 17  
Joh. m. 23. dor.

Etiam, Sc. Sacramentum, Sc.  
25 Baronibus, Sc. vel Attornati  
25 Baronum, sicut continetur in lite-  
ris, 12 Militum Eligendorum ad de-  
tendas malas consuetudines de Forre-  
sta, & Aliis, Rot. Claus. 17. Joh. m. 21.  
dor. Hæc est Conventio inter Do-  
minum Johannem Regem ex una Parte,  
& Rob. P. Walteri Marefchallum  
Dei & sancte Ecclesie, & Ric. Com.  
de Clare, Sc. & alios Com. & Bar. &  
Libros Homines totius Regni, ex al-  
tera parte, viz. quod ipsi Comites, Sc.  
tenebunt Civitatem London de Bali-  
vi Dom. Regis, Sc. si que ad Assen-  
sam Burmarie, & Dom. Cam-  
erarii, & Turrim London  
non fuert, & c. Hæc facta non fuerint,  
Sc. in tra terminum prædicti Baro-  
nes tenebunt Civitatem prædictam, Sc.  
Boues prædicti Omnia Compleantur.  
Sc. in totum Omnes ex Utraque Parte  
tenebunt Terras, Castra, & Villas,  
quas habuerunt in initio Guerræ, Sc.  
Rot. Claus. 17. Joh. m. 21. dor.

that this whole Charter was Enacted by the Legislative Power; (which declares a far larger Authority Inherent in our Kings, then your Lordship, I presume is willing to submit to) and that every Part, and Clause of it, particularly This, has the Force and Continuance of a Law; yet, being plainly Contradicted by later Statutes, it is therefore so far Repeal'd by them. For (as I have more at large shew'd above) It is High Treason to Levy War; or, as it is Adjudg'd by a Parliament of King Edward IV. even to keep a Castle (notwithstanding this Magna Charta) against the King; It is also of late declar'd, That the Military Sword is solely in Him; and it is more directly Contradicted by this Declaration, that it is Unlawful to take up Arms against him upon any Pretence whatsoever; All which, and many others standing in Diametrical Opposition to it, loudly Proclaim the Nullity thereof.

7. But lastly, If this were a Law, and even now in force, it would not give any Countenance to the Vote of Abdication, whereon the whole Frame of our present Government depends: For it neither mentions nor concludes for Deprivation, or A Vacancy of the Throne: On the contrary, it expressly provides for the Safety of the Persons of the King and Queen, and of their Children: Whereas our Convention has, as much as in them lay, turn'd them all out to Starve and Perish.

I have insisted upon this more then at first Sight it will, perhaps, seem to bear: But the tediousness hereof will at least appear Pardonable, if it be consider'd, that your Lordship has call'd that whole Charter the Measure of our English Government. For, the Unwary may hence infer, that it is a part of our Constitution, and thereby innocently, but fatally, mistake the King, which is here meant only Personally King John, indefinitely, for the King Successively for the time being: which would be of very Dangerous Consequence, even to the present Government; wherein it would be no difficult Task, to expose the breach of several Articles contain'd in this Charter. But I hope, what I have said, will in some measure be an Antidote against such Poyson, and that the Infection will stop here.

What Authority your Lordship has for your next Affirmation, that the Subjects are not only warranted, but requir'd, to enter into Associations and Oaths for that Effect, you have been pleas'd to conceal: But having a Dependence upon this Charter, it must stand and fall with it: So that upon the whole Matter (notwithstanding any thing I can yet find to the contrary) there might, by the Ancient (as well as Modern) Constitution of England, be such an irresistible Authority in our Kings, as we have hitherto been inclin'd to Imagine.

But

But after all, if what I have here given your Lordship the trouble of, be not a satisfactory Answer to all your Arguments; I hope you will at least allow methis, that the *Authorities* and *Reasons*, I have here produc'd, are such *Objections* as deserve to be considered. A just Vindication of my Dissent, from the Imputation of a *Preconceived Opinion*; And a good Instance, how well I have observ'd your Lordship's Advice: That I have examin'd the whole Matter with *Care and Attention*, and weigh'd the *Reasons* I have met with, without *Partiality*. As for *Fasting and Prayer*, they being works of Retirement, are not fit to be here mentioned; but I am sure I have faithfully endeavour'd to find out the Truth; And I am resolv'd, by the Divine Assistance, neither to be bias'd to the *Affirmative* by Interest, nor to the *Negative*, as to the receiv'd Opinion. But on the other hand, I cannot think it Fair or Honest to Renounce an Opinion, only because it is grown out of Fashion: For I equally hate an *Affected Singularity*, and an *Unthinking* throwing my self into the Crowd. Let therefore *Reason* and *Convincing Arguments* be produc'd, and I do further profess, I will lay down these Opinions without any *Regret*, and will not be ashamed to Confess I have thus long been mistaken.

Page 27.

Page 29.

In the mean time give me leave to think, that I need not UN-  
DERMINE a *Fabrique* that has no *Foundation*: for of it self it cannot stand long. I do often seriously reflect upon the constant Fate of those Mighty Houses built by some men upon the Sand; and this unavoidable Misery of them, that their Falls are great; and do not only involve the *Unskilful* or *Unjust Builders*, but even all their *Inhabitants*; and their *Nearest Neighbours*, in one *Common Ruine*; which that the *Almighty God* would avert; and that he would remove those *Impending Dangers* that hourly threaten us, by *Establishing THIS Church*, and our *Rightful Government* upon such *Foundations*, and by such means, as are most agreeable to his Will; and that *Peace and Happiness, Truth and Justice, Religion and Piety*, may be our Portion for ever, is the daily Prayer of,

My Lord,

Your Lordship's most Dutiful, and  
most faithful humble Servant.

August 30.  
1689.

I Was just dispatching these Papers to your Lordship, when a Gentleman, in Rallery, started the following Questions.

1. Since K. William and Q. Mary are by the present Establishment, both equally in the Throne, and together make up but one Sovereign (thereby discovering a new sort of Union between a Husband and his Wife) so that neither of them is a Subject to the other; if it should so happen hereafter that the Affections of these two should by degrees be Alienated from one another; and should that Coldness grow up to Dislike, that Dislike to Hatred, that Hatred to a violent desire of each others Destruction, and in order to Revenge (or even Self-Defence) should they both fly to Arms, so which of these two must our Allegiance be paid, during the Contest, and before either of them be the Conqueror?

2. Since the Oaths are Sworn to both, without any Reserve, whether the foreknowledge of the Impossibility of paying the Duty of Allegiance entire to both, in such a Case, will not make the Breach of these Oaths Willful Perjury?

3. Since we meet with so frequent Examples in History, that all the ties of Nature between every sort of Relations have been set aside when a Crown has happen'd into Competition; and since we hear at this present of such daily Instances, that the Bond of Marriage is insufficient to keep some Wives from leaving their Husbands, and some Husbands from putting away their Wives, with all the provoking Injustices imaginable; And since those Two Persons, we are Required to Swear to, have sufficiently shew'd, that Filial Obedience is of no such great weight with them as to hinder their Joins Ascent to a Father's Throne; whether we may justly Swear to both, upon a bare Presumption that they will faithfully Observe their Conjugal and Diuturn Duties; or that if One Usurps the Other, will Conceive, or Forgive? Or in general, whether Any Oath can be Lawful, the observance whereof is not within a Man's own Power, but depends entirely upon the Good Agreement of others? And whether all this be not in effect to Swear not only that a Man is and has been Just and Honest, &c. but that he will continue to be so all his Life, when it is in the Power alone of the Holy Ghost to make him such?

These Questions, as the first starting, and by the manner of doing it, seem'd very Light and Ludicrous; but upon second thoughts, there being a Possibility (if not a Probability) of falling into such insuperable Difficulties, by these double Oaths, they appear'd to deserve a serious Answer. I have therefore transmitted them to your Lordship to be Consider'd; for I know of none so far concern'd in the Contrivance of the Present Establishment, and upon that Account I presume the best skill'd in the Methods and Grounds of it: And I humbly Request your Answer to 'em, that the Gentleman who propos'd them, may receive greater Satisfaction, then (I confess) I am able to give him.

ERRATA:

Page. 5. line 26 in the Margin read P. 5. §. 3. p 10. l. 16. dele the before Examples. p. 12. l. 6. in the marg. f. 2. r. 12. ibid l. 7. r. 11 16; ib. l. 79. f. the r. your. p. 14. l. 26. f. Priest-Hood. High-Priesthood. p. 15. l. 9 marg. f. 3. 4. r. S 4. p. 20. l. 38. d. And. p. 24. l. 11. f. pretencer. sole presence. p. 26. l. 7. f. she our. p. 29. l. 27. f. actual r. actually. p. 31. l. 26. marg. f. non r. nos. ib. l. 29. marg. f. subordinat. c. subordinata. p. 33. l. 5. marg. f. 23r. 25. ib. l. 26. f. us r. upon w.